

174923

AUSTIN, LEWIS & ROGERS, P.A.
ATTORNEYS AND COUNSELORS AT LAW

DANIEL S. LEWIS
(1940-1981)

WILLIAM F. AUSTIN
E. CROSBY LEWIS
TIMOTHY F. ROGERS
RAYMON E. LARK, JR.
RICHARD L. WHITT
JEFFERSON D. GRIFFITH, III*
EDWARD L. EUBANKS
W. MICHAEL DUNCAN

COLUMBIA OFFICE:
CONGAREE BUILDING
508 HAMPTON STREET, SUITE 300
POST OFFICE BOX 11716
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 256-4000
FACSIMILE: (803) 252-3679
WWW.ALRLAW.COM

WINNSBORO OFFICE:
120 NORTH CONGRESS STREET
POST OFFICE BOX 1061
WINNSBORO, SOUTH CAROLINA 29180

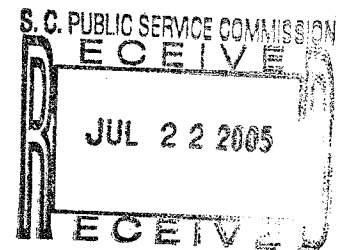
TELEPHONE: (803) 712-9900
FACSIMILE: (803) 712-9901

*ALSO MEMBER NORTH CAROLINA BAR

July 21, 2005

VIA HAND DELIVERY

Scott Elliot, Esquire
Elliott & Elliott, P.A.
721 Olive Street
Columbia, SC 29205



RE: Docket No: 2005-3-E, Annual Review Of Base Rates For Fuel Cost For Duke Power

Dear Scott:

Enclosed is the original of the Confidentiality Agreement relevant to the above referenced matter. This Agreement is tendered on behalf of Duke Power, a division of Duke Energy Corporation, for your use as Counsel of Record for the South Carolina Energy Users Committee ("SCEUC").

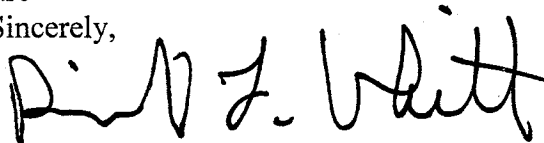
Please note that this Agreement is provided to you in trust. Namely, you agree (i) to execute the Agreement on behalf of the SCEUC, (ii) keep the confidential material submitted to you after your execution of the Confidentiality Agreement, under your care, custody and control, and (iii) not release the Confidential material to your client or anyone acting on behalf of your client or anyone else, without requiring any such person, to execute the last page of the Confidentiality Agreement and making any such person aware of the constraints of the Confidentiality Agreement to your satisfaction.

We call your attention specifically to paragraphs number six, seven, and twelve of the Confidentiality Agreement, enclosed herein as Attachment "A". We would like to highlight these three paragraphs as paragraphs that need to be discussed with and understood by your client. However, the highlighting of these paragraphs does not indicate a diminution of importance of the remaining paragraphs.

Please notify my legal assistant Darla Stone at (803) 251-7442, or myself Darla Stone at (803) 251-7443, once you have reviewed and executed the Confidentiality Agreement. At that time we will have a runner retrieve a copy of the Confidentiality Agreement and provide you with a copy of the confidential material. If you have any questions or concerns please do not hesitate to contact the undersigned.

With kind regards, we are

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Whitt". The signature is fluid and cursive, with the first name "Richard" and last name "Whitt" clearly distinguishable.

William F. Austin
Richard L. Whitt

RLW/dss

cc: Lessie Hammonds, Esquire
✓ Charlie L.A. Terreni, Esquire